

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
JAMES BONINI
CLERK

2004 JAN -6 PM 2: 34

DAVID BILLUPS,
PLAINTIFF,

-vs_

JAMES McWEENEY, ET AL.,
DEFENDANTS. /

CASE NO. C-1-01-377
JUDGE SPIEGEL
MAGISTRATE JUDGE HOGAN

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

PLAINTIFF'S SECOND MOTION TO
AMEND THE COMPLAINT TO ADD DEFENDANT
JOHN OR JANE DOE AND FOR DISCOVERY

Defendants have filed, "Defendant Audrey Young's Supplementary Objection"(Doc.129), in which Defendants assert for the first time in over two (2) years this litigation has been pending that Defendant Young had no involvement in this case.

Based on this newly discovered assertion, Plaintiff is requesting to amend the complaint to add Defendant John or Jane Doe and for discovery as to the identity of the specific Cashier whom received Plaintiff's legal papers and cash slips on December 3, 1999. Plaintiff further request the following discovery since the previous Court imposed discovery deadline has passed.

1. Any and all policies, directives and procedures as the concern the Cashier's Office.
2. A copy and the dates any checks were processed and issued in October 1999, November 1999, and December 1999 at Lebanon Correctional - excluding the prisoners' names, were to, etc., and the names of the Cashier whom issued these checks.
3. The name of the Cashier whom received Plaintiff's legal papers and cash slip on December 3, 1999.

4. The name of the Cashier whom finally issued Plaintiff's legal cash slip on December 22, 1999 and December 29, 1999.

For the foregoing reasons, Plaintiff asserts the interests of justice in this case would not be trampled if an Amendment was permitted due to the fact that at no time during the Administrative Remedy phase, nor prior during the pendency of this Complain was Plaintiff made aware Defendant Young had no personal involvement.

Respectfully Submitted,

Is/ David Billups
David Billups
P.O. Box 7010-211903
Chillicothe, Ohio
45601

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing has been served to Counsel for Defendant at: Marianne Pressman#0059512, 441 Vine Street, Cincinnati, Ohio this 4th day of January 2004 by regular U.S. Mail.

Is/ David Billups
David Billups